

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GILEAD SCIENCES, INC., et al.,	:	
	:	
Plaintiffs,	:	ORDER ADOPTING REPORT
	:	AND RECOMMENDATION
– against –	:	
	:	21-CV-4106 (AMD) (JAM)
SAFE CHAIN SOLUTIONS, LLC, et al.,	:	
	:	
Defendants.	:	

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ANN M. DONNELLY, United States District Judge:

Gilead brought this action against multiple defendants, including Stephen Silverman. Silverman answered the complaint on September 30, 2022 (ECF No. 787), but did not respond to the plaintiff’s discovery requests, even after a court order (*ECF Order dated Dec. 1, 2023*). On December 29, 2023, Gilead moved for “case-ending” sanctions against Silverman under Rule 37 of the Federal Rules of Civil Procedure. (ECF No. 1251 at 3.) After a hearing on Gilead’s application, Magistrate Judge Joseph A. Marutollo issued a report and recommendation recommending that the Court grant the plaintiff’s motion, strike Silverman’s answer, and enter default against him. (ECF No. 1286.)

Judge Marutollo found that Silverman’s noncompliance with his discovery obligations over the course of a year was willful, that it prejudiced the plaintiff, and that a lesser sanction would not induce Silverman’s compliance, since Silverman disregarded prior court orders. Moreover, Judge Marutollo warned Silverman that his refusal to respond to discovery requests or to comply with the court’s orders could result in case-ending sanctions. (*See, e.g., ECF Order*

dated Dec. 1, 2023.)¹ No party has filed an objection to the report and recommendation and the time for doing so has passed.

A district court reviewing a report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept a report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have carefully reviewed Judge Marutollo’s thoughtful report and recommendation for clear error and find none. Accordingly, I adopt the report and recommendation in its entirety. The Clerk of Court is respectfully directed to strike Silverman’s answer and enter a certificate of default.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
August 27, 2024

¹ The statement on page six of the report and recommendation that Judge Marutollo entered a text order on December 29, 2024 is a typographical error. He entered the order on December 29, 2023.